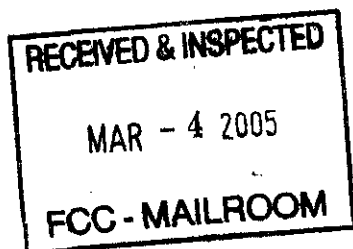




# Alaska Native Brotherhood Camp 2



February 9, 2005

The Honorable Michael K. Powell, Chairman  
Federal Communications Commission  
445 12th Street, S.W. Room 8 B-201  
Washington D.C. 20554

Re: WC Docket No. 03-133

Mr. Chairman:

It is fairly apparent that our nation will be looking at a complete over-haul of our telecommunications laws in this country. And while this is a much needed and noble undertaking for it to be effective, one must be certain that the new laws will be adhered too. The best way to do this is to ensure that current laws are enforced and followed.

Currently AT&T is asking the commission to look the other way when it comes to nearly a half-billion dollars in intrastate access fees and universal services fund payment owed as a result of their sale of pre-paid telecommunication phone cards. AT&T would like the commission to believe that their placement of a self-serving computer generated commercial into the prompts of their card, allows them an exemption from the 10-percent intrastate connection fee, because the card is now "enhanced". What this argument lacks in logic, AT&T tries to gain back in emotion, by claiming that forcing them to adhere to the law would be a detriment to our fighting men and women serving overseas in places like Iraq and Afghanistan. Rep. Mike Rogers (R-Ala.) addressed this argument in a letter reported in "The Hill" last week.

"We strongly support keeping the costs low for our overseas military personnel [but] we also believe that companies should not be able to dismiss federal rules to gain unfair advantages over potential competitors," said Rogers. "Relief should be carried out through legitimate rulemaking or a waiver by the commission that is available to all carriers."

AT&T wants the commission to over look the fact that they never sought an exemption from paying these fees or whether their interpretation of "enhancement" was consistent with the commission's rules for the same. These actions by AT&T were not done out of concern for our troops, these actions were done strictly as a way of bolstering the bottom-line. That is why AT&T never sought FCC authorization prior to withholding these payments. This is why AT&T is already arguing that if the commission does rule against them that they only do so prospectively. To maintain the integrity of law the FCC must hold AT&T responsible for their actions both prospectively and retroactively. Anything less calls into question the effectiveness of the government to regulate a fair and complete marketplace, which would be the true detriment to our troops abroad and the general public at home.

Sincerely,

Robert W. Loescher, Chairman  
Legislative Affairs Committee

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cc: The Honorable Kathleen Q Abernathy, Commissioner; The Honorable Kevin Martin, Commissioner;  
The Honorable Michael Copps, Commissioner; The Honorable Jonathon Adelstein, Commissioner,  
Senator Ted Stevens